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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/700,039		11/03/2003	George P. Klonis	15827-026001	3397	
26231	7590	05/11/2004		EXAMINER		
FISH & RI				KWON, JOHN		
5000 BANK 1717 MAIN				ART UNIT	PAPER NUMBER	
DALLAS, 7				3747		

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

•			111					
	Application No.	Applicant(s)	MA					
	10/700,039	KLONIS ET AL.	•					
Office Action Summary	Examiner	Art Unit						
	John T. Kwon	3747						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY	/ IS SET TO EXPIRE 1 MONTH/	S) FROM						
THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisors of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply of 16 NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).	: mmunication.					
Status								
1) Responsive to communication(s) filed on	Responsive to communication(s) filed on							
,	action is non-final.							
,	,—							
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.						
Disposition of Claims								
4) Claim(s) 1-46 is/are pending in the application.	✓ Claim(s) <u>1-46</u> is/are pending in the application.4a) Of the above claim(s) is/are withdrawn from consideration.							
4a) Of the above claim(s) is/are withdraw								
5) Claim(s) is/are allowed.	Claim(s) is/are rejected.							
. — —	Claim(s) is/are objected to.							
8) Claim(s) <u>1-46</u> are subject to restriction and/or election requirement.								
Application Papers								
9)☐ The specification is objected to by the Examine								
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
11) Ine oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action of form PT	O-152.					
Priority under 35 U.S.C. § 119								
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 								
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list	of the certified copies not receive	ed.						
Attachment(s)								
1) Notice of References Cited (PTO-892)	4) Interview Summary							
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 	Paper No(s)/Mail Di 5) Notice of Informal F	ate Patent Application (PTC)-152)					
Paper No(s)/Mail Date	•							

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-15, 35-46, drawn to internal combustion engine, classified in class 123, subclass 250.
- II. Claims 16-28, drawn to a carrier for reciving an ignition source, classified in class 123, subclass 169PA.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the specific details of the carrier subcombination recited in claims 16-22 are not recited in combination claims 1-15 and 29-46. In addition, claims 1-15 are evidence claims, which indicate that the combination does not rely upon the details of the subcombination for its patentability. The subcombination has separate utility such as a carrier for injector in an inetrnal combustion engine. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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If the applicant is electes the Group I, then further restriction is required as follow;

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I) Fig. 1;
- II) Fig.2; and
- III) Fig. 3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Mr. Josha on 5/10/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Kwon whose telephone number is (703) 308-1046. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (703) 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John T. Kwon

Primary Examiner

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